

## PATENT

RECEIVED  
CENTRAL FAX CENTER

NOV 08 2006

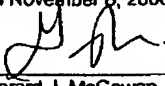
## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to:

"Commissioner for Patents"  
P.O. Box 1450  
Alexandria, VA 22313-1450

UNUS #03-0347-UNI  
CASE #F3330(C)

on November 8, 2006

  
Gerard J. McGowan, Jr.  
Reg. No. 29,412  
Attorney for Applicant(s)

November 8, 2006  
Date of Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Malone et al.  
SERIAL NO.: 10/780,182  
FILED: February 17, 2004  
FOR: Frozen Aerated Product

GROUP: 1761  
EXAMINER: Arthur L. Corbin  
ENGLEWOOD CLIFFS, NEW JERSEY 07632

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

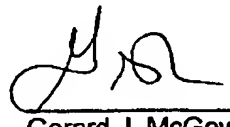
Applicant(s) hereby appeals to the Board of Appeals from the decision dated August 8, 2006 of the Primary Examiner final rejection of claims 1-17.

The item(s) check below are appropriate:

- ☒ A timely response to the final Rejection has been filed.  
☐ An Extension of Time to respond to the Final Rejection was requested for one month.  
☐ An Extension of Time to file a Notice of Appeal was granted for one month(s).  
☒ Charge statutory fee of \$500.00 to Deposit Account No. 12-1155. Please charge any additional fees or credit overpayment to Deposit Account No. 12-1155. This request is being submitted in triplicate.

11/09/2006 TL0111 00000042 121155 10780182  
01 FC:1401 500.00 DA

/gjm  
201-894-2297

  
Gerard J. McGowan, Jr.  
Attorney for Applicant  
Registration No. 29,412